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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,555	01/08/2002	Frank G. D'Andrea JR.	1303.01	1323

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EXAMINER

NEGRON, ISMAEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,555

Applicant(s)

D'ANDREA ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-8 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on July 25, 2003 has been entered. Claims 1, 2, 7, 8, 12 and 13 have been amended. Claims 4, 5 and 9-11 have been cancelled. Claims 14-20 have been added. Claims 1-3, 6-8 and 12-20 are still pending in this application, with claims 1, 13 and 19 being independent.

### *Title*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Computer Expansion Slot Cover Based Illumination Device.**

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-3, 6- 8 and 12-20 rejected under 35 U.S.C. 103(a) as being unpatentable over TSENG (U.S. Pat. 5,615,945).

TSENG discloses a computer illumination device having:

- **a base bracket**, Figure 2, reference number 3;
- **the bracket being able to be inserted into an expansion slot of a computer**, column 2, lines 61-63;
- **the bracket having a housing**, Figure 2, reference number 31
- **means for supplying power**, Figure 2, reference number 32;
- **the means for supplying power being located in the housing**, column 2, lines 28-30;
- **a flexible lamp neck**, Figure 2, reference number 1;
- **the flexible lamp neck extending from the bracket**, column 2, lines 24-28;
- **the flexible lamp neck also in electrical communication with the means for supplying power**, column 2, lines 30-33;
- **a lamp**, Figure 2, reference number 2;
- **the lamp being located on the flexible neck at an end opposite the bracket**, column 2, lines 24-28;
- **the lamp being in electrical communication with the means for supplying power**, column 2, lines 30-33;
- **a switch**, Figure 2, reference number 23;

- **the switch being in electrical communication with the means for supplying power**, columns 2 and 3, lines 65-67 and 1-3, respectively; and
- **the lamp including a heat shield**, Figure 2, reference numbers 26 and 27.

TSENG discloses all the limitations of the claimed invention, except the illumination device being coupled with an expansion slot cover (ESC), or the power source being rechargeable batteries.

The examiner takes Official Notice that the use of rechargeable batteries is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a rechargeable battery power source in the illumination device of TSENG. One would have been motivated since rechargeable batteries are recognized in the illumination art to have many desirable advantages, including dependability, , long cyclic life and lower operating cost over regular batteries. In addition, the use of a rechargeable battery would enable the illumination device to operate even when the computer is turned off or unplugged.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the device of TSENG in coupled with a computer ESC to illuminated the interior of a computer (or any other area), as evidenced by TSENG in column 3, lines 4-21.

***Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Naghi** (U.S. Pat. 6,386,724), **Krietzman** (U.S. Pat. 6,575,593) and **Naghi et al.** (U.S. Pat. 6,523,967) disclose illumination devices having computer-coupling means for illuminating such computers.

***Response to Arguments***

4. Applicant's arguments with respect to claim July 25, 2003 have been considered but are moot in view of the new ground(s) of rejection.

However, to expedite prosecution the applicant is advised as follows:

The illumination device of TSENG is specifically designed to provide an illumination function when coupled to a computer expansion port. Connecting such device to a back expansion port instead of a side expansion port of a laptop computer (as disclosed by TSENG in Figure 4) relates to the use that a given user would give to the patented structure, and as such is not a patentable feature even if such use was considered to be novel. See MPEP § 2112.

In addition, while some expansion ports are located on the side of laptop computers, in regular, desktop or tower-type, computer cases such ports are located on the back. It is also noted that the claimed ESC are not only old and well known in the art, but a standardized feature of modern computers.

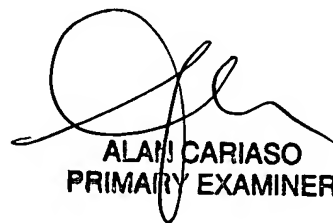
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***Conclusi n***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



ALAN CARIASO  
PRIMARY EXAMINER

Inr

September 10, 2003